



**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
-----------------	-------------	----------------------	---------------------

09/140,831 08/26/98 WELLS

G 9717-4

020575 PM82/0405
MARGER JOHNSON & MCCOLLOM PC
1030 SW MORRISON STREET
PORTLAND OR 97205

EXAMINER

VANAMAN, F

ART UNIT

PAPER NUMBER

3611

DATE MAILED:

04/05/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/140,831

Applicant(s)

Wells

Examiner
Frank Vanaman

Group Art Unit
3611



☒ Responsive to communication(s) filed on Mar 14, 2001

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-12 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☒ Claim(s) 1-7 and 11 is/are allowed.

☒ Claim(s) 8-10 and 12 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 3611

Continued Prosecution Application

1. The request filed on Mar 14, 2001 for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d) based on parent Application No. 09/140,831 is acceptable and a CPA has been established. An action on the CPA follows.
2. The amendment filed on Feb 1, 2001, after final rejection and not previously entered, has been entered in this CPA. Claims 1-12 are pending.

Claim Rejections - 35 USC § 103

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
4. Claims 8, 9, 10 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Douillet (EP 370,900, cited by applicant) in view of Wittstock (cited previously). Douillet (figures 5, 6, 7 and 8) teaches a ski pole grip (27) having a front, back and lateral sides, and an attachment system including a strap (43) having a pin (42, 44) with a notch (between 42, 44) connected to a glove (70), the skier's hand being (29) wrappable around the grip, and including a horizontal channel (33, 34) located above a substantial portion of the skier's hand for accommodating the pin, and a spring-biased (40) retractable finger (39) which protrudes across the channel and engage the notch in the pin, the finger actuatable by a button (37) which may be depressed against the action of the spring while the skier's hand is wrapped around the grip, to release the pin. Note that the engagement of 44 and 39 prevents ejection of the pin, while a releasing of the connection between 39 and 44 allows such an ejection as broadly claimed.

The reference of Douillet fails to teach the channel as being located entirely above a skier's hand. Wittstock teaches a ski-pole grip having a horizontal channel (18, 24) which engages a pin (30, 36) connected to a strap (22), wherein the channel location is taught to be above a skier's hand (note figure 1). It would have been obvious to one of ordinary skill in the art at the time of the invention to locate the pin-engaging channel of

Art Unit: 3611

Douillet to be entirely above a skier's hand for the purpose of insuring a complete disengagement of the pin from the channel even if a skier's hand is not entirely removed from the grip, for example in case of emergency conditions.

Allowable Subject Matter

5. Claims 1-7 and 11 are allowed.

Response to Arguments

6. Applicant's arguments, filed with the amendment have been carefully considered, but are not persuasive. As regards the limitation of the ejection mechanism allowing the pin to be released when the button element is operated, Douillet teaches such a limitation in that the disengagement between 39 and 44 *allows* the pin to be ejected as broadly claimed in that an ejection is not prevented. Note that language *allowing* a function to occur is not equivalent to language reciting that the function does indeed occur. As regards the relative location between a user's hand and the channel, please note the reference to Wittstock, applied in combination with the reference to Douillet. The examiner notes that while the response includes an affirmation that certain claims have been rejected as unpatentable over the reference of Douillet in view of the reference to Wittstock (page 2 of the response), arguments filed (pages 3, 4) do not address the combination of the references, but appear to be directed only to the reference of Douillet.

Art Unit: 3611

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to F. Vanaman whose telephone number is (703) 308-0424. Any inquiry of a general nature or relating to the status of this application should be directed to the group receptionist whose telephone number is (703) 308-1113.

Any response to this action should be mailed to:

Assistant Commissioner for Patents


Washington, DC 20231

or faxed to :

(703) 305-3597 or 305-7687 (for formal communications intended for entry; informal or draft communications may be faxed to the same number but should be clearly labeled "UNOFFICIAL" or "DRAFT")

F. VANAMAN
Primary Examiner
Art Unit 3611

F. Vanaman
March 30, 2001


7/4/01